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**APR 25 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Smith et al.	:	DECISION ON PETITION
Application No. 10/804,331	:	
Filed: March 19, 2004	:	
Attorney Docket No. 9368.5	:	

This is a decision on the petition under 37 CFR 1.53, filed November 24, 2004, requesting that the above-identified application be accorded a filing date of March 19, 2004, with 1 sheet of drawings as part of its original disclosure.

On March 19, 2004, applicants deposited the above-identified application. On September 27, 2004, the Office mailed a Notice of Incomplete Nonprovisional Application, stating, *inter alia*, that the application was deposited without drawings and that the filing date would be the date of receipt of the drawings.

In response, on November 24, 2004, applicants filed, *inter alia*, the present petition and a copy of applicants' postcard receipt acknowledging receipt of 1 sheet of drawings on March 19, 2004. Additionally, applicants submitted 1 sheet of drawings with the present petition.

Upon review of the record, the 1 sheet of drawings, deposited on March 19, 2004, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on March 19, 2004, included 1 sheet of drawings, which was subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including the 1 sheet of drawings, was complete on filing and will be granted a filing date of March 19, 2004.

Accordingly, the petition is granted.

The requirement for drawings set forth in the Notice of Incomplete Nonprovisional Application was sent in error and is hereby vacated. Accordingly, no petition fee is necessary.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of March 19, 2004**, using the 1 sheet of drawings submitted on November 24, 2004, as part of the original disclosure, and to mail a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

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